IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4022 OF 1995

Mrs.Christaliana Dias. ...Petitioner.

Versus

Bombay Diocesan Society & Ors. ...Respondents.

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Mr. Dilip Bodke for the Petitioner.
Mr. Sarang for Respondent Nos.1 to 3.
Ms.S. S. Bhende, AGP for Respondent Nos.4 to 8.

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CORAM : A. P. SHAH AND
DR. D.Y. CHANDRACHUD, JJ.

July 7, 2005.

P.C.:

The Petitioner served as an Assistant Teacher initially in the Primary Section of St.Thomas' High School at Pune with effect from 28th July 1969 and thereafter in the Secondary Section until she took voluntary retirement from service on 30th January 1995. The grievance of the Petitioner in these proceedings is in regard to the

non-payment of monetary benefits including arrears of salary during the period of employment and the retiral dues after her voluntary retirement from service.

When this petition came up, we called upon Counsel appearing on behalf of the Management- Respondent Nos.1 to 3, to take instructions on the precise factual position with reference to the payment of dues, if any, of the Petitioner. A letter dated 7th July 2005 addressed by the Principal of the School to Counsel appearing on behalf of the Management has been placed on the record by Counsel. It has been stated that the Petitioner, being a permanent teacher, gave three months' notice of her intended severance from service; that she received full salary for the period and that accordingly no dues have remained outstanding. It has also been stated that the Petitioner received an amount of Rs.1,35,000/- on account of Provident Fund dues and that the aforesaid amount was transferred to her personal account with the P.F. Authority. The Petitioner is not entitled to the payment of gratuity having regard to the law laid down

by the Supreme Court in **Ahmedabad Pvt. Primary Teachers' Assn. vs. Administrative Officer,** (2004) 1 SCC 755. No submission has been urged on behalf of the Petitioner that would cast doubt on the statement which has been contained in the aforesaid communication dated 7th July 2005 of the Third Respondent through Counsel appearing on behalf of the Management. In view of the aforesaid statement which is placed on the record, we do not find any reason to issue any further directions. The petition accordingly stands disposed of.

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